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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
Respondent/Plaintiff,  
11  
v.  
12 CHARLES RICHARD,  
13 Petitioner/Defendant.  
14

Case No. 2:08-cr-00237-GMN-VCF-1

**STIPULATION TO DISMISS  
MOTION TO VACATE WITHOUT  
PREJUDICE PURSUANT TO  
FED. R. CIV. PRO. 41(a)(1)(A)(ii)**

15 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the  
16 Respondent, Appellate Chief and Assistant United States Attorney Elizabeth Olson White,  
17 and counsel for the Petitioner, Wendi L. Overmyer, Assistant Federal Public Defender, that  
18 Petitioner's Motion to Vacate, ECF No. 40, be dismissed pursuant to Fed. R. Civ. Pro.  
19 41(a)(1)(A)(ii).

20 DATED this 1st of July, 2019.

21 RENE L. VALLADARES  
22 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

23 /s/ Wendi L. Overmyer  
24 By \_\_\_\_\_

/s/ Elizabeth Olson White  
By \_\_\_\_\_

25 WENDI L. OVERMYER  
Assistant Federal Public Defender

ELIZABETH OLSON WHITE  
Assistant United States Attorney

UNITED STATES OF AMERICA,  
Respondent/Plaintiff,  
v.  
CHARLES RICHARD,  
Petitioner/Defendant.

Case No. 2:08-cr-00237-GMN-VCF-1

**[PROPOSED] ORDER DISMISSING  
MOTION TO VACATE WITHOUT  
PREJUDICE AND VACATING  
BRIEFING SCHEDULE**

Having received a stipulation to dismiss the Petitioner's Motion to Vacate, ECF No. 40.

IT IS HEREBY ORDERED that Petitioner's Motion to Vacate, ECF No. 40, be DISMISSED WITHOUT PREJUDICE. The Court does not make a determination as to whether any future filing would be considered a second or successive petition.

IT IS FURTHER ORDERED that the briefing scheduled for July 12, 2019, is VACATED.

Gloria M. Navarro, Chief Judge  
UNITED STATES DISTRICT COURT

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 1, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court of Nevada by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing documents by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants: CHARLES RICHARD.

/s/ Wendi L. Overmyer  
Assistant Federal Public Defender